

1. Minor Amendments to Comp Plan Future Land Use Plan (FLUP):

Category: Legal Clarification

Current Comprehensive Plan Amendment Language:

Comprehensive Plan Chapter 16- Plan Implementation

Plan Amendments may also involve minor changes to the Future Land Use Plan map or text to correct errors, which may occur administratively. Minor administrative plan amendments apply to properties that are less than 8-acres in size, including small minor changes to the map.

Section 21-2110 Amendments

- (1) Initiation. Amendments to the comprehensive plan may be initiated by the city or by an owner whose property is the subject of a rezoning request.
 - (2) Approval Criteria. The city council may approve an amendment to the comprehensive plan if the proposed amendment:
 - a) Is consistent with the overall intent of the comprehensive plan;
 - b) Is consistent with the purposes set forth in section 21-2100 above;
 - c) Is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions;
 - d) Will not have a negative effect on the immediate area;
 - e) Will not have a negative effect on the future development of the area; and
 - f) Will promote the public health, safety, and general welfare of the people of the city.
 - (3) Process and Procedure.
 - a) Application Filing. Applications to amend the comprehensive plan shall be submitted to the director on the forms approved by the city and shall include all required fees and such materials as the director deems necessary or appropriate to carry out the provisions of this land development code. No application shall be considered which is not complete in every detail. Incomplete applications may be returned to the applicant for completion or correction without any further action.
 - b) Staff Review and Report. City staff, and unless deemed unnecessary by the director, the development review team, will review the application to determine whether the proposed amendment meets the criteria listed above. A report
-

summarizing staff's or the development review team's recommendation will be provided to the planning commission.

- c) Neighborhood Meeting. The city may require or schedule a neighborhood meeting to obtain feedback on the application, prior to referring the matter to the planning commission.
- d) Planning Commission's Review and Recommendation. The planning commission shall conduct a public hearing and make its recommendation in accordance with section 10-11(b) of the charter. The criteria listed in paragraph (2) of this section shall serve as the basis for the planning commission's recommendation.
- e) City Council's Review and Decision. The city council shall conduct a public hearing and render a decision in accordance with section 10-11(b) of the charter.

Proposed Comprehensive Plan Amendment Language:

Section 21-2110 Amendments

- (1) Initiation. Amendments to the comprehensive plan may be initiated by the city or by an owner whose property is the subject of a rezoning request.
 - (2) Plan Amendments may comprise either a minor or major amendment. Minor amendments are considered as minor text changes and corrections that do not impact the substantive portions of the Land Use Plan's mixture or balance. They apply to properties that are less than 8 acres in size, including small minor changes to the map. In addition, any change mandated by initiatives or state law shall utilize the minor amendment process. Major amendments apply to all other categories. At the discretion of the director, any minor amendment may be processed as a major amendment.
 - (3) Minor Amendment. The director may approve a minor amendment to the comprehensive plan if s/he finds:
 - (a) The comprehensive plan and/or any related element thereof is in need of the proposed amendment;
 - (b) The proposed amendment is compatible with the surrounding area, and the goals and policies of the comprehensive plan;
 - (c) The proposed amendment will have no significant negative impacts on transportation, services, and facilities;
 - (d) The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;
-

- (e) The proposed amendment is consistent with the city's ability to annex the property if applicable;
 - (f) The proposed amendment is consistent with the logical expansion of services;
 - (g) Strict adherence to the comprehensive plan would result in a situation neither intended nor in keeping with other key elements and policies of the comprehensive plan; and
 - (h) The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the comprehensive plan and the elements thereof.
- (4) Other Amendments. All other comprehensive plan amendments shall be reviewed by the planning commission and approved by the city council. Such amendments may be approved if the city council finds that the proposed amendment:
- (a) Is consistent with the overall intent of the comprehensive plan;
 - (b) Is consistent with the purposes set forth in section 21-2100 above;
 - (c) Is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions;
 - (d) Will not have a negative effect on the immediate area;
 - (e) Will not have a negative effect on the future development of the area; and
 - (f) Will promote the public health, safety, and general welfare of the people of the city.
- (4) Process and Procedure.
- (a) Application Filing. Applications for a major amendment to the comprehensive plan shall be submitted to the director on the forms approved by the city and shall include all required fees and such materials as the director deems necessary or appropriate to carry out the provisions of this land development code. No application shall be considered which is not complete in every detail. Incomplete applications may be returned to the applicant for completion or correction without any further action.
 - (b) Staff Review and Report. City staff, and unless deemed unnecessary by the director, the development review team, will review the application to determine whether the proposed amendment meets the criteria listed above. A report summarizing staff's or the development review teams' recommendation will be provided to the appropriate decision maker.
-

- (c) Neighborhood Meeting. The city may require or schedule a neighborhood meeting to obtain feedback on the application, prior to referring the matter to the appropriate decision maker.
- (d) Planning Commission's Review and Recommendation. Except in the case of minor amendments, the planning commission shall conduct a public hearing and make its recommendation in accordance with section 10-11(b) of the charter. The criteria listed in paragraph (3) of this section shall serve as the basis for the planning commission's recommendation.
- (e) Decision. Except in the case of minor amendments, the city council shall conduct a public hearing and render a decision in accordance with section 10-11(b) of the charter. In the case of minor amendments, the director is authorized to approve, approve with conditions, or deny the application based upon the approval criteria contained in paragraph (2) of this section.

NOTE: Tables III-1 and III-2 will be updated to reflect both the Minor and Major Comp Plan Amendment Process

2. Noise Contours and Residential Land Use:

Category: Legal Clarification

Current Noise Contour and Residential Land Use Language:

Comprehensive Plan: Goal LU 6 Ensure Compatible Development near DIA. Avoid placing residential in noise restricted areas

Proposed Noise Contours and Residential Land Use Language:

Sec. 21-5259 Residential Uses

No new residential use shall be established on any property that lies within an airport noise contour of 55 DNL (day-night noise level) or higher.

NOTE: the Land Use Table (V-1) will also be updated to reflect that residential uses reference this section.

3. PUD Zoning Amendment Clarification:

Category: Legal Clarification

Current PUD Zoning Amendment Language:

Sec. 21-3251(5) Amendment.

Modification to an approved PUD zone document, other than the minor modifications allowed pursuant to section 21-3215 (Minor Modifications), requires the submission of a new PUD zone document application.

Proposed PUD Zoning Amendment Language:

Sec. 21-3251 (5) Amendment.

1. Modifications to an approved PUD zone document, other than the minor modifications allowed pursuant to section 21-3215 (Minor Modifications), requires the submission of a new PUD zone document amendment application, which will follow the same process as the approved PUD zone document.
 2. Unless restricted by the terms of a development agreement or other entitlement granting vested property rights, any property owner within the PUD district or the City may initiate an amendment to a PUD zone document or PUD zone district.
 3. A PUD district, or portions thereof, may be rezoned to another non-PUD zone district or districts in accordance with the procedures and standards for zone changes set forth in this Code. Unless restricted by the terms of a development agreement or other entitlement granting vested property rights, any property owner within the PUD district of the City may initiate an application to rezone a PUD district.
-

4. Plat Dedication Clarification:

Category: Legal Clarification

Current Language:

Sec. 21-3241(6): Dedications and Restrictive Covenants:

Execution of the final plat in accordance with paragraph (5) above shall constitute the city's acceptance of any public dedication. No restrictive covenant shall appear on a plat unless approved by the city.

Proposed Language:

Sec. 21-3241(6): Dedications and Restrictive Covenants:

Execution of the final plat in accordance with paragraph (5) above shall constitute conveyance to the city of fee title to all public dedications of land depicted in the plat. No restrictive covenant shall appear on a plat unless approved by the city.

5 & 12. Office-Flex Use:

Category: Land Use Updates and Definition

Current Land Use Classification:

None

Current Definition:

None

Proposed Land Use Classification:

Table V-1

Use by Right I-1, I-2, and I-3

Sec. 21-5251 Office Flex

1. Additional Regulations: Due to the heightened level of architecture and design for these uses, administrative architectural design standards will need to be approved by the Director prior to, or in conjunction with, approving any development plan.

Proposed Office Flex Definition:

Sec. 21-11200 - A type of development designed to be versatile, which may be used in combination with office (corporate headquarters), research and development, quasi-retail sales, wholesale operations, and including but not limited to craft manufacturing, warehouse, and distribution uses.

6. Restaurant Parking Calculation:

Category: Customer Service Process

Current Language:

Table VII-2:

Restaurant with Drive-Thru/Up 1 space/200 s.f.

Restaurant without Drive-Thru/Up 1 space/200 s.f.

Proposed Language:

Table VII-2:

Restaurant with Drive-Thru/Up 1 space/100 s.f.

Restaurant without Drive-Thru/Up (Sit-Down) 1 space/100 s.f.

7. Warehouse Parking Calculation:

Category: Customer Service Process

Current Language:

Table VII-2:

Warehousing 1 space/1000 s.f.

Proposed Language:

Table VII-2:

Warehousing - (up to 10,000 s.f.) 1 space/1000 s.f. with a minimum of 3 spaces.
(10,001 to 50,000 s.f.) 1 space/ 2000 s.f.
(50,001 s.f. and up) 1 space/ 5000 s.f.

8. Electric Vehicle (EV) Charging Station Parking Incentive:

Category: Customer Service Process

Current Language:

None

Proposed Language:

Sec. 21-7237 (9): Electric Vehicle (EV) Charging Device. Parking spaces that are dedicated for use as electric vehicle charging stations may be allowed for all land uses and shall not count toward either the minimum or maximum parking space requirement.

9. Parking Reduction Administrative Flexibility:

Category: Customer Service Process

Current Parking Reduction Administrative Flexibility:

Sec. 21-7238 Minor Modifications Related to Off-Street Parking Requirements:

Adjustments to parking requirements may be made by the director as provided in this section. The applicant must apply for the minor modification in accordance with the procedure outlined in section 21-3215 (Minor Modifications) and may be required to submit a parking study prepared by a qualified traffic engineer to justify the requested adjustment(s). The cost of such parking study shall be borne by the applicant.

- (1) Reductions Based Upon Incentive Programs.
 - (a) Shared parking program. Where two or more non-residential uses are separate and distinct but share a common or interconnected parking facility, the director may reduce the number of required parking spaces by up to 25 percent if the following criteria are satisfied:
 - (i) The uses have substantially different peak traffic usage periods (e.g., a theater and a bank) or share customers (e.g., a barber shop and a tailor);
 - (ii) The most remote space is located within 300 feet of the use it is intended to serve as measured along the most direct pedestrian path; and
 - (iii) A reciprocal parking and access easement agreement, that shall run with the life of the development, is recorded with the county assessor.
 - (a) Office project reduction. The director may reduce the amount of required parking spaces up to 20 percent when an office building contains more than 20,000-square feet of floor area. The director may consider the following factors in determining whether a reduction is appropriate:
 - (i) Availability of public transit;
 - (ii) Feasibility of implementing a vanpool or ride-sharing program;
 - (iii) Mix of office uses and floor plan which depicts lower parking demand;
 - (iv) Adequacy of public and private parking facilities in the vicinity; and
 - (v) Close proximity to bike facilities, such as adjacency to multi-use trails, etc.

- (b) Reductions from incentive programs may not be combined. If a reduction has been granted based upon one incentive program, the development shall not receive a reduction based upon any other incentive program.
 - (2) Hardship Reductions. The director may reduce or waive up to 20 percent of the parking requirements, or a minimum of 1 space, under the following conditions:
 - (a) Changes in use. When parking requirements are increased by a virtue of a change in use, the director may waive or reduce those requirements when all of the following conditions are present:
 - (i) The structure housing the use was designed and intended for nonresidential use;
 - (ii) The owner or developer substantiates that the provision of additional parking would entail severe hardship;
 - (iii) The structure or structures housing the use were originally built before the effective date of this land development code;
 - (iv) Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use; and
 - (v) The nature of operational aspects of the use warrants unique parking arrangements.
 - (c) Expansions of structure. Parking requirements increased by the expansion of a structure may be waived or reduced by the director when all of the following conditions are present:
 - (i) No substantial change in use is involved;
 - (ii) The increase in floor area does not exceed 25 percent of the existing floor area;
 - (iii) The owner or developer substantiates that the provision of additional parking would entail severe hardship;
 - (iv) The structure or structures were originally built before the effective date of the current parking requirements;
 - (v) Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use; and
-

- (vi) The nature of operational aspects of the use warrants unique parking arrangements.
-

Proposed Parking Reduction Administrative Flexibility:

Sec. 21-7238 Minor Modifications Related to Off-Street Parking Requirements:

Adjustments to parking requirements may be made by the director as provided in this section.

The applicant must apply for the minor modification in accordance with the procedure outlined in section 21-3215 (Minor Modifications) and may be required to submit a parking study prepared by a qualified traffic engineer to justify the requested adjustment(s). The cost of such parking study shall be borne by the applicant.

1. Shared parking program. Where two or more non-residential uses are separate and distinct but share a common or interconnected parking facility, the director may reduce the number of required parking spaces by up to 25 percent if the following criteria are satisfied:

- a) The uses have substantially different peak traffic usage periods (e.g., a theater and a bank) or share customers (e.g., a barber shop and a tailor);
- b) The most remote space is located within 300 feet of the use it is intended to serve as measured along the most direct pedestrian path; and
- c) A reciprocal parking and access easement agreement, that shall run with the life of the development, is recorded with the county assessor.

2. Incentive Programs.

- (a) Programs:

- i. Office buildings. The director may reduce the amount of required parking spaces up to 20 percent when an office building contains more than 20,000-square feet of floor area.
 - ii. Mixed Use Parking Reduction. The director may reduce the amount of required parking spaces up to 25 percent when the development is part of a project that includes, as part of the development plan, both residential and non-residential uses.
 - iii. Core Centers. The director may reduce the amount of required parking spaces up to 50 percent for development that occurs within any area identified as an activity center in the comprehensive plan or within a quarter mile of a multi-modal transportation station.
-

- (b) Approval Criteria. The director may approve the reduction of required parking as provided in paragraph 2(a) of this section if the following criteria are satisfied:
 - i. The reduction is appropriate in light of the reasonably anticipated automobile usage by residents, businesses, and visitors to the development, including the proposed mix of uses;
 - ii. The reduction will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity;
 - iii. The reduction achieves a minimization of conflict of vehicular and pedestrian movements;
 - iv. Transportation modes, other than the automobile, are sufficient; and
 - v. There are adequate public and private parking facilities in the vicinity.
 - (c) Incentive programs may not be combined. If a reduction has been granted based upon one incentive program, the development shall not receive a reduction based upon any other incentive program.
- (3) Hardship Reductions. The director may reduce or waive up to 20 percent of the parking requirements, or a minimum of 1 space, for a new development, change in use, or expansion of structure, when the following approval criteria are met:
- (a) With the exception of housing for the elderly or disabled, the structure housing the use was designed and intended for nonresidential use;
 - (b) The owner or developer substantiates that the provision of additional parking would entail severe hardship;
 - (c) Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use;
 - (d) The nature of operational aspects of the use warrants unique parking arrangements; and
 - (e) Sufficient evidence is provided demonstrating how the unique circumstances of the proposed use(s) do not generate the traffic and/or parking demand met by normal code standards.
-

10. Transportation Terminals:

Category: Definition

Current Transportation Terminal Definition:

Sec. 21-11200- Transportation Terminals shall mean a facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in this definition would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Postal Service, other than a traditional post office facility.

Proposed Transportation Terminal Definition:

Sec. 21-11200- Transportation Terminals shall mean a facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Included in this definition would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Postal Service, other than a traditional post office facility. These establishments may also include the accessory uses of warehouses, storage or parking of trucks awaiting cargo, as well as facilities for the light servicing of trucks.

11. Catering Service/Facilities Definition:

Category: Modernization

Current Definition:

None

Proposed Catering Service/Facility Definition:

Sec. 21-11200: Catering Service/Facility shall mean an establishment providing the processing, assembly and packaging of food into servings typically designed for consumption off-premises. These facilities may include commercial or on-site kitchens and may be used in an accessory manner for teaching, instructing, or other related indoor activities that utilize the onsite catering service.
